

September 29, 2016

VIA ECF

The Honorable Larry Alan Burns
United States District Judge
United States District Court
Southern District of California
Courtroom 14A
Suite 1410
333 West Broadway
San Diego, CA 92101

Re: *Ponderosa Twins Plus One & Ricky Spicer v. iHEARTmedia, Inc., et al.*
No. 16-cv-2258 (LAB)

Dear Judge Burns:

We represent Plaintiffs Ponderosa Twins Plus One and Ricky Spicer and write in response to the Court's Order to Show Cause why this action should not be dismissed for improper venue (Doc. No. 3). Rather than dismissing the action, Plaintiffs respectfully request that the Court transfer the action from the Southern District of California to the Northern District of California.

Venue is proper in "a judicial district in which any defendant resides." 28 U.S.C. §1391(b)(1). For venue purposes, a corporation is a resident of "any district . . . within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate State." 28 U.S.C. §1391(d). In the interests of justice, a district court may transfer any civil action to any other district or division where it might have been brought. *See* 28 U.S.C. §1404 (a); *Vu v. Ortho-McNeil Pharm., Inc.*, 602 F. Supp. 2d 1151, 1156 (N.D. Cal. 2009).

Here, the interests of justice would best be served by transferring the venue to the Northern District of California because a majority of Defendants are headquartered there: Apple Inc. and Google Inc. are headquartered in Santa Clara County; Sony Interactive Entertainment LLC is headquartered in San Mateo County; and Pandora Media Inc. is headquartered in Alameda County. *See Hawkins v. Gerber Prods. Co.*, 924 F. Supp. 2d 1208, 1213 (S.D. Cal. 2013) (holding that a change of venue from the Southern District of California to the District of New Jersey was proper because defendant's headquarters were located there); *Roling v. E*Trade Sec.*,



LLC., 756 F. Supp. 2d 1179, 1185 (N.D. Cal. 2010) (“[B]ecause E*Trade’s corporate headquarters are located within the Southern District of New York, that court has personal jurisdiction over E*Trade and venue would therefore be proper there.”).

Therefore, Plaintiffs respectfully request that the Court transfer this action to the Northern District of California.

Respectfully submitted,

/s/ Jennifer R. Liakos

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